

FILED

MAR 23 2000

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

TIME
CLERK
BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLAHOMA

**IN RE:
TERRANCE PHILLIP DILLON,**

Debtor.

**CASE NO. 99-03441-R
(Chapter 7)**

**STEVEN W. SOULÉ, TRUSTEE FOR
THE BANKRUPTCY ESTATE OF
TERRANCE PHILLIP DILLON,**

Plaintiff,

v.

LINDA F. DILLON,

Defendant.

ADVERSARY NO. 00-00039-R

CONSENT JUDGMENT

NOW on this 23 day of March, 2000, this matter comes before the undersigned United States Bankruptcy Judge for entry of this Consent Judgment. The Court having reviewed all of the files and records herein finds:

1. This Court has jurisdiction in this adversary proceeding pursuant to 28 U.S.C. §§1334(b), 157(b)(1), 157(b)2(A),(N) and (O).

2. Venue is proper in this Court pursuant to 11 U.S.C. § 1409(a).

3. Steven W. Soulé is the Chapter 7 Bankruptcy Trustee ("Trustee") in the above entitled proceeding (the "Bankruptcy Case").

4. Defendant is the spouse of the Debtor, Terrance Phillip Dillon ("Debtor").

5. At the time of the commencement of the Bankruptcy Case, Debtor and Defendant were co-owners of certain property located at 2847 South Columbia Place, Tulsa, Oklahoma 74114,

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Clerk, U.S. Bankruptcy Court
Northern District of Oklahoma

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and legally described as follows:

Lot Seven(7), Block Five (5), WOODY CREST SUBDIVISION, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof (the "Property").

6. The bankruptcy estate and Defendant continue to be co-owners of the property.

7. On or about December 28, 1999, Debtor and Defendant both executed, subject to approval of the above captioned Court, a Contract for Sale of Real Property covering the Property for a sale price of \$1,450,000.00, as amended subsequently.

8. On February 2, 2000, Debtor filed an Amended Motion for Authorization of Sale, which was approved by Order of this Court filed March 9, 2000.

9. Eastern Savings Bank, FSB holds a first mortgage security interest in the Property to be sold.

10. Robert Leikam asserts a claim in the amount of \$350,000 plus interest.

11. The amount of the claim of Eastern Savings Bank and the amount and secured status of the claim of Robert Leikam have not yet been determined.

12. The Property should be sold free and clear of any vested or contingent right of Defendant in the nature of dower and curtesy pursuant to the authority of 11 U.S.C. §363(g).

13. The interests of both the bankruptcy estate and of Defendant in the Property should be sold pursuant to 11 U.S.C. §363(h). In this connection, the Court further finds:

a. partition in kind of the Property among the bankruptcy estate and Defendant is impracticable;

b. sale of the bankruptcy estate's undivided interest in the Property would realize significantly less for the estate than sale of the Property free and clear of the interest of the Defendant;

c. the benefit to the bankruptcy estate of a sale of the Property free and clear of the interests of Defendant outweighs the detriment, if any, to the Defendant; and

d. the Property is not used in the production, transmission, or distribution, for sale, of electric energy or of natural or synthetic gas for heat, light or power.

13. Defendant has waived her right under 11 U.S.C. §363(i) prior to consummation of the sale of the Property to purchase the Property at the price at which the sale is to be consummated.

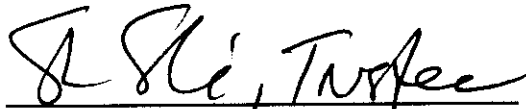
IT IS THEREFORE ORDERED that the sale of the Property free and clear of the Defendant's interest in the Property pursuant to 11 U.S.C. § 363(g), (h) and (i) is hereby approved.

Dated: 3/23/00



DANA L. RASURE
UNITED STATES BANKRUPTCY JUDGE

APPROVED:



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